B. In the Claims:

1. (currently amended) A non-aqueous electrolyte secondary battery comprising a positive electrode, a negative electrode and a non-aqueous electrolyte, wherein the positive electrode contains:

(a) a manganese-contained complex oxide containing:
(i) lithium (Li);
(ii) manganese (Mn);
(iii) at least one kind of a first element selected from the group consisting of cobalt (Co), zinc (Zn), aluminum (Al), tin (Sn), chromium (Cr), and magnesium (Mg) ~~a metal element other than manganese and boron (B), and oxygen (O)~~, while a mole ratio of the first element to manganese (Mn) (the first ~~element/manganese~~ element:manganese) lies within the range of 0.01:1.99 to 0.5:1.5 ~~0.01/1.99 to 0.5/1.5~~, both inclusive; and

(b) a nickel-contained complex oxide containing:
(i) lithium (Li);
(ii) nickel (Ni);
(iii) at least one kind of a second element selected from the group consisting of iron (Fe), cobalt (Co), zinc (Zn), aluminum (Al), tin (Sn), chromium (Cr), and magnesium (Mg) ~~a metal element other than nickel and boron (B), and oxygen (O)~~, while a mole ratio of the second element to nickel (Ni) (the second ~~element/nickel~~ element:nickel) lies within the range of ~~0.01/0.99 to 0.5/0.5~~ 0.01:0.99 to 0.5:0.5, both inclusive; and

(c) where a mean particle size of the manganese-contained complex oxide and the nickel-contained complex oxide is 30 microns and less.

2. (currently amended) The ~~A~~ non-aqueous electrolyte secondary battery ~~as claimed in~~ of claim 1, wherein a mixing ratio of the nickel-contained complex oxide to the manganese-contained complex oxide in the positive electrode, in terms of mass ratio (nickel-contained complex oxide/manganese-contained complex oxide), lies within the range of 90/10 to 10/90.

3. Cancel.

4. Cancel.

5. Cancel.

6. (currently amended) The ~~A~~ non-aqueous electrolyte secondary battery ~~as claimed in~~ of claim 1, wherein: the manganese-contained complex oxide is expressed by a chemical formula $Li_xMn_{2-y}Ma_yO_4$ (where, $0.9 \leq x \leq 2$, and Ma represents the first element) and y/2-7 lies within the range of 0.01/1.99 to 0.5/1.5, both inclusive; and

the nickel-contained complex oxide is expressed by a chemical formula LiNi1-zMbzO2 (where, Mb represents the second element) and a/1-z lies within the range of 0.01/0.99 to 0.5/0.5, both inclusive.

7. (currently amended) The ~~A~~ non-aqueous electrolyte secondary battery ~~as claimed in~~ of claim 1, wherein at least either the positive electrode or the negative electrode includes a positive electrode mixture layer or a negative electrode mixture layer provided on both sides or one side of a positive electrode collector layer or a negative electrode collector layer.

8. (currently amended) The ~~A~~ non-aqueous electrolyte secondary battery ~~as claimed in~~ of claim 1, wherein the negative electrode contains a material capable of occluding and releasing lithium.

9. (currently amended) The ~~A~~ non-aqueous electrolyte secondary battery ~~as claimed in~~ of claim 1, wherein the negative electrode contains at least one material selected from the group consisting of a metal and a semiconductor capable of forming an alloy and a compound with lithium, an alloy and a compound of the metal and the semiconductor, a carbon material, a metal oxide, and a polymer material.

10. (currently amended) The ~~A~~ non-aqueous electrolyte secondary battery ~~as claimed in~~ of claim 9, wherein the negative electrode contains at least one material selected from the group consisting of non-graphitizing carbon, artificial graphite, coke, graphite, glasslike carbon, polymer organic compound calcined materials, carbon fiber, activated carbon and carbon black.

11. (currently amended) The ~~A~~ non-aqueous electrolyte secondary battery ~~as claimed in~~ of claim 9, wherein the negative electrode contains at least one material selected from the group consisting of a Group 4B metal element, a semiconductor element, and an alloy and a compound of the metal element and the semiconductor element.

12. (currently amended) The ~~A~~ non-aqueous electrolyte secondary battery ~~as claimed in~~ of claim 9, wherein the negative electrode contains at lest one material selected from the group consisting of silicon (Si), tin (Sn), and an alloy and a compound of silicon and tin.

13. (currently amended) The ~~A~~ non-aqueous electrolyte secondary battery ~~as claimed in~~ of claim 1, wherein: the positive electrode and the negative electrode includes a positive electrode mixture layer or a negative electrode mixture layer provided on both sides of either a positive electrode collector or a negative electrode collector made of a band-shaped metal foil; and

wherein the positive electrode and the negative electrode are stacked with a microporous separator interposed therebetween and are rolled spirally.

14. (currently amended) The ~~A~~ non-aqueous electrolyte secondary battery ~~as claimed in~~ of claim 1, wherein the electrolyte contains lithium salt and solvent; wherein:

the solvent contains at least one material selected from the group consisting of propylene carbonate, ethylene carbonate, diethyl carbonate, dimethyl carbonate, 1,2-dimethoxyethane, 1,2-diethoxyethane, γ-butyrolactone, tetrahydrofuran, 2-methyl tetrahydrofuran, 1,3-dioxolane, 4-methyl-1,3-dioxolane, diethyl ether, sulfolane, methyl sulfolane, acetonitrile, propionitrile, anisole, ester acetate, ester butyrate and ester propionate.

15. (currently amended) The ~~A~~ non-aqueous electrolyte secondary battery ~~as claimed in~~ of claim 1, wherein the electrolyte contains at least one electrolyte selected from the group consisting of a gel electrolyte in which an electrolyte solution containing lithium salt is held in a polymer

compound, a solid electrolyte in which lithium salt is dispersed onto a polymer compound having an ion conductivity, and an electrolyte made of solid inorganic conductor.

16. (currently amended) A material for a positive electrode containing:

(a) a manganese-contained complex oxide containing:

(i) lithium (Li);

(ii) manganese (Mn);

(iii) at least one kind of a first element selected from the group consisting of cobalt (Co), zinc (Zn), aluminum (Al), tin (Sn), chromium (Cr), and magnesium (Mg) ~~a metal element other than manganese and boron (B), and oxygen (O)~~, while a mole ratio of the first element to manganese (Mn) (the first ~~element/manganese~~ element:manganese) lies within the range of 0.01:1.99 to 0.5:1.5 ~~0.01/1.99 to 0.5/1.5~~, both inclusive; and

(b) a nickel-contained complex oxide containing:

(i) lithium (Li);

(ii) nickel (Ni);

(iii) at least one kind of a second element selected from the group consisting of iron (Fe), cobalt (Co), zinc (Zn), aluminum (Al), tin (Sn), chromium (Cr), and magnesium (Mg) ~~a metal element other than nickel and boron (B), and oxygen (O)~~, while a mole ratio of the second element to nickel (Ni) (the second ~~element/nickel~~ element:nickel) lies within the range of ~~0.01/0.99 to 0.5/0.5~~ 0.01:0.99 to 0.5:0.5, both inclusive; and

(c) where a mean particle size of the manganese-contained complex oxide and the nickel-contained complex oxide is 30 microns and less.

17. (currently amended) A method for making a material for a positive electrode ~~as claimed in claim 16~~, the method comprising: ~~wherein:~~

(a) obtaining a ~~the~~ manganese-contained complex oxide ~~is obtained~~ by mixing in a desired ratio a lithium compound, a manganese compound and a compound containing the first element, which are selected from the group consisting of carbonate, hydroxide, oxide, nitrate and organic acid salt, and then calcining it by applying a heat treatment at a temperature of 600 °C to 1000°C in an oxidizing atmosphere; and

(b) obtaining a ~~the~~ nickel-contained complex oxide is obtained by mixing in a desired ratio a lithium compound, a nickel compound and a compound containing the second element, which are selected from the group consisting of carbonate, hydroxide, oxide, nitrate and organic acid salt, and then calcining it by applying a heat treatment at a temperature of 600°C to 1000 °C in an oxidizing atmosphere.